

ORIGINAL

NEW APPLICATION



0000129717 Arizona Corporation Commission

BEFORE THE ARIZONA CORPORATION CC

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SEP 13 2011

GARY PIERCE, Chairman
BRENDA BURNS, Commissioner
SANDRA D. KENNEDY, Commissioner
PAUL NEWMAN, Commissioner
BOB STUMP, Commissioner

2011 SEP 13 A 9:59

AZ CORP COMMISSION
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T-02115A-11-0343

DOCKET NO. T-02115A-11-_____

IN THE MATTER OF THE APPLICATION OF
NAVAJO COMMUNICATIONS COMPANY,
INC., DBA FRONTIER NAVAJO
COMMUNICATIONS FOR APPROVAL OF
OPT-IN AGREEMENT FOR
INTERCONNECTION AND TRAFFIC
INTERCHANGE WITH COMMNET
WIRELESS, LLC

**APPLICATION FOR APPROVAL OF
OPT-IN AGREEMENT FOR
INTERCONNECTION AND TRAFFIC
INTERCHANGE**

Under A.A.C. R14-2-1508, Navajo Communications Company, Inc., dba Frontier Navajo Communications ("Frontier") hereby submits this Application for Approval of *Opt-In Agreement for Interconnection and Traffic Interchange Agreement* ("Agreement") to the Arizona Corporation Commission on behalf of Frontier and Commnet Wireless, LLC ("Commnet"). In support of this Application, Frontier states as follows:

I.

Frontier is a New Mexico corporation that provides local exchange telecommunications services in Arizona. Frontier is an authorized telecommunications corporation engaged in providing telecommunications service in Arizona.

II.

Commnet is licensed by the Federal Communications Commission to provide wireless services as a Commercial Mobile Radio Service ("CMRS") provider under the Communications Act of 1934. Commnet is also registered with the Arizona Corporations Division and is authorized to do business in Arizona.

III.

Frontier and Commnet have entered into an Interconnection and Traffic Interchange Agreement that provides for the parties to interconnect their facilities and

1 interchange traffic for the provision of communications services in Arizona. This
2 Agreement was reached through voluntary negotiations, without resort to mediation or
3 arbitration, and is submitted for approval under Section 252(e) of the Communications
4 Act of 1934, as amended by the Telecommunications Act of 1996 ("Act"), and the
5 requirements of A.A.C. R14-2-1506. A copy of the Agreement is attached and is
6 incorporated by reference.

7 **IV.**

8 Section 252(e)(2) of the Act and A.A.C. R14-2-1508 allows this Commission to
9 reject an Agreement reached through voluntary negotiations only if the commission finds
10 that:

- 11 (1) the Agreement (or portion thereof) discriminates against a
12 telecommunications carrier not a party to the agreement;
- 13 (2) the implementation of such Agreement or portion is not consistent with the
14 public interest, convenience and necessity; or
- 15 (3) the Agreement is not consistent with applicable state law requirements.

16 **V.**

17 The Arizona Administrative Code rule R14-2-1506(C)(1)(b) requires that the
18 request for approval of an interconnection agreement summarize the main provisions of
19 the agreement; set forth the party's position as to why the agreement should be
20 adopted; and state why the agreement does not discriminate against non-party
21 telecommunications carriers, is consistent with the public interest, convenience, and
22 necessity, and is consistent with applicable state law requirements.

23 **VI.**

24 The Agreement provides for the interconnection of Frontier and Commnet's
25 facilities.

26 **VII.**

27 In accordance with Section 252(e) of the Act and A.A.C. R14-2-1508, the
28 Agreement provides no basis for a finding of discrimination or violation of the public
29 interest. The Agreement does not discriminate against any other telecommunications
carrier. The provisions of the Agreement reflect the requirements of federal and state

1 laws for physical interconnection that apply to all telecommunications carriers. Further,
2 the Agreement is consistent with the public interest as identified in the pro-competitive
3 policies of the Commission, the State of Arizona, the Federal Communications
4 Commission, and the U. S. Congress. The Commission should approve the Agreement
5 because it does not discriminate against any other telecommunications carrier and it is
6 consistent with the public interest, convenience, and necessity.

7 **VIII.**

8 The terms of the Agreement are consistent with applicable state law and the rules
9 and regulations of the Commission.

10 **IX.**

11 Under A.A.C. R14-2-1508, the Commission has no basis for rejecting the
12 Agreement and the Agreement shall become effective if not formally rejected by the
13 Commission within 30 days of filing of this Application for Approval.

14 **X.**

15 All communications regarding this Application should be addressed to the following
16 representatives:

17
18 Phyllis A. Whitten
19 Associate General Counsel
20 Frontier Communications
P.O. Box 340
Elk Grove, CA 95759

Charlie Born
Mgr., Government & External Affairs
Frontier Communications
P.O. Box 340
Elk Grove, CA 95759

21 RESPECTFULLY SUBMITTED this 9th day of September, 2011
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26 Phyllis A. Whitten
27 Associate General Counsel-West Region
28 Frontier Communications Corporation
29 P.O. Box 340
Elk Grove, CA 95759
Telephone: 916-686-3117
Facsimile: 916-714-3117

1 Original and 13 copies of the foregoing
2 filed on September 9th, 2011, with:

3 Docket Control Division
4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, Arizona 85007

7 Copies of the foregoing mailed
8 on September 9th, 2011, to:

9 Brian Foster
10 Director of Switching & Telco Engineering
11 Allied Wireless Communications Corp./Commnet Wireless, LLC
12 1562 Park Street
13 Castle Rock, CO 80109

14 By: Pam Pittenger
15 Pam Pittenger, Regulatory Analyst
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**OPT-IN AGREEMENT FOR INTERCONNECTION AND TRAFFIC INTERCHANGE
AGREEMENT**

NAVAJO COMMUNICATIONS COMPANY, INC.

AND

COMMNET WIRELESS, LLC

FOR THE STATES OF ARIZONA, NEW MEXICO AND UTAH

This Opt-In Agreement sets forth the terms of interconnection and the exchange of CMRS traffic in the States of Arizona, New Mexico and Utah (the "Agreement") and is effective upon execution ("Effective Date"), subject to approval by each respective Commission for Arizona, New Mexico and Utah. The Agreement is by and between Navajo Communications Company, Inc. ("Frontier"), a Delaware corporation, with offices at 180 S. Clinton Avenue, Rochester, NY 14646 and **Commnet Wireless, LLC**, ("Commnet") with offices at 400 Northridge Road, Suite 325, Atlanta GA 30350 "Frontier" and "Commnet" being referred to collectively as the ("Parties").

NOW THEREFORE, the Parties agree as follows:

The Parties agree that this Agreement shall supersede and replace in full any and all prior agreements, written, and oral, between Commnet and Frontier for the exchange of CMRS traffic in the States of Arizona, New Mexico and Utah.

The Parties agree that the Agreement between the Parties shall consist of the Agreement for Interconnection and Traffic Interchange between Navajo Communications Company, Inc. and Alltel Communications, LLC for the states of Arizona, New Mexico and Utah which was effective on August 1, 2009. That Agreement shall herein be referred to as the "Adopted Agreement". The Parties further agree the Adopted Agreement is hereby amended as follows:

TERM:

A. This Agreement shall be in force from the date of execution by the Parties and continuing through August 1, 2012. This Agreement will be automatically renewed for successive month-to-month terms after the initial term unless either Party provides the other Party with no less than ninety (90) day's prior notification of its intent to terminate or desire to renegotiate. During any such renegotiations, the terms and conditions of this Agreement will remain in effect until resolution. Such notice will be provided in writing to the other Party.

TERMS AND CONDITIONS:

1. "Commnet Wireless, LLC" shall be substituted in place of Alltel Communications, LLC in the Adopted Agreement. Any notice to Commnet as may be required under the Adopted Agreement shall be provided as follows:

To:

Atlantic Tele-Network Inc
Attn: Mary Mabey, Legal Counsel
600 Cummings Center
Beverly, MA 01915
Telephone Number: (978) 619-1323
Email: mmabey@atni.com

If to Commnet for Billing Disputes:

Commnet Wireless, LLC
Attn: Accounts Payable
400 Northridge Road, Suite 325
Atlanta, GA 30350

Any notice to Frontier shall be provided as follows:

To:

Frontier Communications
Attn: Roderick Cameron, Director Business Operations
180 S. Clinton Avenue
Rochester, NY 14646
Telephone Number: (585) 777-5131
Email: Roderick.cameron@ftr.com

With a copy to:

Frontier Communications
Attn: Associate General Counsel
9260 E. Stockton Blvd.
Elk Grove, CA 95624

If to Frontier for Billing Disputes:

Frontier Communications
Attention: Access Validation
14500 Burnhaven Dr.
Suite 193
Burnsville, MN 55306

Commnet represents and warrants that it is a Commercial Mobile Radio Service provider in the state of Nevada and that its adoption of the Cellco Partnership d/b/a Verizon Wireless Agreement will cover interconnection and the exchange of CMRS traffic in the state of Nevada.

Commnet Wireless, LLC

By: 

Typed: Ken Borner

Title: VP, Operations & Engineering

Date: Aug 18, 2011

Navajo Communications Company, Inc.

By: 

Typed: Stephen Levan

Title: SVP, Carrier Sales and Service

Date: 8.17.11